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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,290	11/28/2001	Mark R. Thompson	019396-001800US	2156
20350	7590	07/18/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			WONG, LESLIE	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/002,290

Applicant(s)

THOMPSON ET AL.

Examiner

Leslie Wong

Art Unit

2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Bolle and Parker teach the limitations as claimed.

Applicant argues that the office action stated Bolle did not teach the use of a file name representative of the entire set of data for a file. However, the office action cited Bolle as teaching the element in claim 1 of "associating said frequency representation of said portion of said file with said file name..." The office action acknowledged that Bolle does not teach the use of a filename. Therefore, the office action is mistaken in attributing this feature to Bolle.

In response to the preceding arguments, Examiner respectfully submits that the limitations of claim 1 broadly claim "filename" reads on Bolle's teaching of a SEGMENT within a second target stream M segment using a segment index table T and each segment has a segment identifier (i.e., filename) (col. 22, lines 63-65; col. 25, lines 23-28). Because Bolle teaches storing representative (i.e., segment) of known stream oriented data and not the ENTIRE data; therefore, Parker was brought in to address the limitation "file name is representative of the ENTIRE set of data for said file". As such, the rejection dated 14 January 2005 is proper.

Further, Applicant argues that a combination of Bolle and Parker is inapplicable because Bolle is directed at comparing the similarity between a set of known media segments and a target media stream. Bolle first generate an index of references in the index generation phase and then compares them to the target stream. There is no need to inventory the Bolle system (as stated in the office action) because the Bolle system generates a clean index listing at the beginning of each comparison. Because of this index generation phase there would be no unintentional duplication. Consequently, there would be no need to inventory the Bolle index of references.

In response to the preceding arguments, Examiner respectfully submits Bolle and Parker are combinable because Parker's directory helps organize files in Bolle's file system by keeping related files together. As such, combining Bolle and Park facilitate the management and organization files within Bolle's file system.

Further, Applicant argues Burrows does not teach the element of wherein "files having non-identical fingerprints are redundant of one another".

In response to the preceding argument, Examiner respectfully submits that applicant's claimed "... determining files having non-identical fingerprints are redundant..." limitation reads on Ryan's teaching of comparing the original video with the illicit copy (col. 6, lines 23-26) as the original video are subjected to different SID patterns (i.e., non-identical fingerprints). It is submitted that the fact that the prior art is able to find out that the original is the same as the copy one (i.e., redundant), even though their fingerprints are different, satisfied the limitation as claimed.



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